

The Code of Ethics and Conduct of Civil servants

This code is intended to determine the norms of ethics and conduct that public employees have to observe, to help them in fulfilling these norms and educating the citizens what behavior they might face from civil servants.

This Code determines the main rules of conscientious service of civil servants providing them to perform their official duties on very high professional level in realization of government's goals and functions to guarantee transparency and effectiveness of state agencies, observance of determined rules, carrying responsibility breaking these rules

Chapter 1. General Principles

Article 1. The scope of the Code

- 1.1 This Code concerns to all individuals who have Government employee status.
- 1.2 Every public official shall uphold loyalty to his **country** over and above their loyalty to other individuals, political parties, state agencies, observe the regulations of this Code by making high the **main principles of national moral values and high rules of ethical behavior and democratic principles.**

Article 2. The goals of the Code

- 2.0 The goals of this Code are the followings:
 - 2.0.1 to increase and strengthen the prestige of state agencies and government employees, to increase the confidence of citizens to state agencies **and government employees;**
 - 2.0.2 to increase the efficiency of the work of state agencies and government employees;
 - 2.0.3 to prevent corruption in state agencies, as well as all negative cases in state agencies that do not suit with ethics, ethic norms and the society.
 - 2.0.4 to increase the scope of influence of citizens on state agencies, or the quality of their work;
 - 2.0.5 evaluation of the work of civil servants, or to increase the scope of influence of citizens on their work.

Article 3. Definition of terms

- 3.0 The main terms used in this Code are the followings:

3.0.1 **Conflict of interests** –arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.

3.0.2 **Official conduct** – legal implementation of responsibilities entitled to civil servant and also fulfilling his official duties.

3.0.3 **Personal Interest** – any privileges or advantages for civil servants, their families, relatives, as well as for juridical or physical persons that are in business or political relationship with him. This term also includes any financial and civil obligations that civil servant undertakes.

3.0.4 Interested person – is a close relative or the civil servant, or juridical person who the civil servant himself or his close relative is a member of, or physical or juridical person who has taken commitment before civil servant, or his close relative for the cost of thousand times more of the minimum salary, or physical or juridical person who is in labor relations with close relatives of the civil servant.

Article 4. Legal regulation of official conduct

4.1 Official conduct of civil servant is regulated by this Code and other normative acts.

4.2 The norms specifying the ethical rules determined by this Code, the provisions made for their observance can be determined by other normative legal acts of state agencies. These normative legal acts should not be contradictory to this Code.

4.3 The norms determined by normative legal acts of state agencies are also concerned to separate categories.

Chapter 2. The rules of honest official conduct

Article 5. Honest official conduct

5.1 Official conduct that guarantees civil servants to fulfil their official duties more effectively for the sake of the interests of citizens, society and the state is called honest official conduct.

5.2 Civil servant is should observe the rules of honest official conduct determined by this Code and other normative legal acts.

5.3 Public official shall be a good example of honesty in all cases for other civil servants and general public.

Article 6. Professionalism, increasing individual responsibility and personal example

6.1 Civil servant shall perform his duties as determined in corresponding laws of the Azerbaijan Republic and other normative legal acts with the highest degree of professionalism to provide effective work of state agency.

6.2 Public official shall build, support and strengthen faith in juridical and physical persons to state agencies and his professional work.

6.3 Civil servant shall maximally avoid the conflict of interests occurred during his activity starting from the day appointed to public service and after that and he carries the responsibility for the solution of problems related his own personal interests.

Article 7. Loyalty

7.1 Civil servant shall avoid speeches, judgements about the work of state agencies and the work of their leaders and to assess their work (**except for any illegal activity**) if it is not included into his official duties.

7.2 Civil servant shall avoid any actions that will bring damage to his name and bring down the prestige of the state agency.

7.3 Civil servant shall observe the rules on open public speeches determined within the state agency.

7.4 Civil servant shall observe the restrictions determined by law for him.

Article 8. Public Confidence

8.1 Civil servant shall strengthen the prestige of the Azerbaijan Republic, the state agency and state **service** and to **make his honor high**.

8.2 Civil servant shall eliminate the consequences of breaking the rules of honest service conduct by him, as well as shall take measures to regain public confidence.

8.3 Civil servant should have respect to the representatives of mass media that are informing the community about the activities of state agencies and high position officials for those state agencies, as well as should help them to get true (correct) information in certain cases determined by law.

Article 9. Respect to the rights, freedom and legal interests, honor and dignity and business prestige of people and citizens

9.1. Protection of rights, freedom and legal interests of people and citizens, their observance defines the meaning and content of state agencies and civil servants.

9.2 Civil servant should avoid actions (action and inaction) that would restrict the rights, freedoms and legal interests of citizens and offend their honor and dignity and damage their business prestige.

9.3 Civil servant, when performing his official duties, he should guarantee **confidentiality** of information that would damage personal life, honor and dignity of juridical or physical persons that he knows, as well as other civil servants.

Article 10. Justness

Civil servant should be polite, kind, considerate and patience towards all juridical or physical persons, as well as with his top or immediate supervisor and with employees working under his supervision.

Article 11. Implementation of orders or decrees

11.1 Civil servant is obliged to carry out orders, or decrees issued by his direct or top supervisor within their authorities as determined by this Code.

11.2 In case if civil servant comes to a decision that any order or decree issued by his direct, or top supervisor contradicts the law, or other normative legal acts, he should submit his grounds **about it** in a written form to his direct, or top supervisor. **He** should demand his immediate supervisor to pass these order, or decrees in a written form. If after the civil servant gets this order, or decree approved in a written form still continues to believe that they contradict the law, or other normative legal acts, he can refuse to carry out that order of decree.

Article 12. Impartiality

12.1 Civil servant should be impartial when issuing decisions, when carrying out official duties should not do any discrimination against any person's or a group of persons' race, nationality, language, gender, social background, property and service status, attitude towards religion, faith, social unions, as well as to what society they belong to.

12.2 Civil servant should observe political neutrality that excludes the possible influence of any decision made by political parties, or other social unions to carrying out his official duties.

12.3 Civil servant should avoid any influence by those who have certain interest in carrying out his duties.

Article 13. Attitude towards material and other wealth, privileges or concessions

13.1 Civil servant is not allowed to do any action (action, or inaction) that aims at getting **illegal** financial and other boons, privileges or concessions or to issue any decision.

13.2 Civil servant should take measures that will exclude any material and other wealth, or privileges and concessions occurred from his decisions and activity.

13.3 Civil servant should not let the possibilities of getting material and other wealth, privileges and concessions to influence on his activity (to action or inaction).

13.4 The civil servant serving the citizens who get officially determined payment for this service (services), or giving decisions should not ask more commission than what has already been determined for that service (services).

Article 14. Prevention of corruption

14.1 In case if civil servant is offered **illegal** material and other wealth, privileges, or concessions, that civil servant should refuse taking them. If material, or other wealths, privileges, or concessions are taken by civil servant because of the reasons not depending on him, he should inform his immediate supervisor about it and material, or other wealth, privileges, or concessions should be turned over with certain act to the state agency where the civil servant works.

14.2 In the contract where one side is a state agency (except for employment contract), civil servant can not be the other side.

14.3 14.3 The head of a state agency that has authority to sign acts on behalf of the state agency is not allowed to sign acts on behalf of the state agency with individuals that have interest in the head of the corresponding agency, or civil servant. The signed acts are considered useless.

Article 15. Restrictions on acceptance of gifts

15.1 Civil servant should not accept or demand gifts for himself, his family, relatives and very close relatives, as well as for juridical, or physical persons that have or had business or political relationships with him, that would influence to his impartial performance of duties, or that would create the impression of such influence, or gifts given to him in return of performance of his duties, or that would create the impression of such prize. These categories don't include gifts given at protocol events, business trips or at any other official events, common hospitality and small gifts.

15.2 In case if civil servant can not come to a decision about taking, or refusing to take the gift, he should get his immediate supervisor's opinion about it.

Article 16. Conflict of interests

16.1 Civil servant should prevent conflict of interests.

16.2 Civil servant is not allowed to make decisions, actions or inactions that would cause legal consequences concerning the person of his interest.

16.3 Interests are considered clashed since the day an application is presented to corresponding civil servant by a person having who has interest in decisions made by civil servant based on the appeal of juridical and physical persons and that cause legal consequences.

16.4 When job offers about changing the job proves to be clashed with the interests concerning civil servant, he should inform the head of the state agency about them. During two years (another variant - three) after leaving public service, civil servant can not be hired to any position at any of the organizations, enterprises or their branch offices that was under his control before.

16.5 In case if civil servant lets any clash of itnerests to happen, he is fired from position and is not allowed to be hired at similar positions for five years in case if there is no any other rule determined in the legislation of the Azerbaijan Republic.

16.6 In the cases of conflict of interests, civil servant should take measures on regulation of them based on the Article 22 of this Code.

Article 17. Use of property

17.1 Civil servant should economically and effectively use of state property, organizational-technical, financial and other provisions that he has authority to use

17.2 Civil servant is not allowed to use state property, organizational-technical, financial and other provisions for his own interests, as well as for other reasons that don't have anything to do with fulfillment of his duties.

Article 18. Use of Information

18.1 Civil servant should provide access to the information about the work of the state agency and his own official activity based on the rules determined by laws and other normative legal acts.

18.2 Civil servant should follow the rules of how to present official informaiton defined at the state agency.

Article 19. Public Activity

19.1 Civil servant has the right to be a member of a public union if there is no any other rule determined by the Legislation.

19.2 Civil servant should not let his activity in public life and polemic, or his membership to any public union to create any doubt on fulfilling his job responsibilities impartially.

19.3 Civil servant should not involve other civil servants to the activity of political parties, public unions and religious organizations.

19.4 Civil servant is not allowed to create structural departments of political parties, other public unions (except for trade unions), religious organizations within state agencies, or to help creating above mentioned departments and structures within those agencies.

19.5 Civil servant is not allowed to abuse his post and use his authorities for the benefit of himself, or other candidates, political parties and election blocs.

Chapter 3. Provision of honest official conduct performance

Article 20. Provisions system

20.0 Observance to the rules of honest official conduct performance by civil servant is provided as shown below:

20.0.1 by regular analysis of compliance of official conduct of civil servant himself, with honest official conduct of his direct, or top supervisor, agencies dealing with official conduct issues;

20.0.2 by civil servant, his direct, or top supervisor, by agencies dealing with official conduct issues performing actions stated in this chapter.

Article 21. Authorities of the head of a state agency

21.0 The head of state agency should:

21.0.1 observe the Constitution, Laws and other normative legal acts of the Azerbaijan Republic, and should not support those who avoid to fulfill them (**variant – should be cruel against them**);

21.0.2 be example for following honest official conduct with his official conduct;

21.0.3 determine the capacity of authorities and responsibilities of employees working under his supervision with accuracy according to the positions they are holding;

21.0.4 not inveigle employees under his supervision to actions that are illegal and not are in compliance with generally accepted ethic norms.

21.0.5 avoid to hire specialists to state agencies based on localistic tendencies and personal trust;

21.0.6 not force employee under his supervision to make illegal decisions, or do illegal actions;

21.0.7 control and make analysis of the compliance of official conduct of civil servants with the honest official conduct rules determined by this Code;

21.0.8 take preventive measures for disobservance of honest official conduct rules;

21.0.9 explain the honest official conduct rules to civil servants working under his supervision, and give recommendations on the rules of honest official conduct to them if they ask for any;

21.0.10 work out normative acts within the frame of his authorities specifying the rules of honest official conduct determined by this Code and their observance provisions and approve them;

21.0.11 implement disciplinary measures for disobservance of honest official conduct (to put the issue of implementing disciplinary measures in front of officials who have right to implement disciplinary measures);

21.0.12 take measures to educate citizens and organizations that they have right to demand civil servants to observe the rules of honest official conduct;

- 21.0.13 inform citizens, organizations and state agencies about measures taken related to disobservance cases of the rules of honest official conduct;
- 21.0.14 take measures to eliminate the consequences of the disobservance of the rules of honest official conduct, as well as about measures taken to regain public confidence to state agency;
- 21.0.15 perform other activities determined by this Code.

Article 22. Information about conflict of interests

- 22.1 If civil servant holds a position that infringes upon his interests, according to the Law, he should declare the character and type of those interests when hired to state service, also after that.
- 22.2 If civil servant that is responsible to make decision within collegial agency or individually has personal interest in the decisions to be made, he should notify the members of the collegial agency, or his immediate supervisor about it in a written form and should refuse in making decision himself.
- 22.3 Civil servant should inform about conflict of interests by the rule determined in Article 24 of this Code.
- 22.4 Civil servant should do the followings since the day conflict of interests happens, or gets disclosed:
- 22.4.1 should inform his immediate supervisor, the civil servant that is the head of the state agency should inform high official that appointed him to this position, or the state agency.
- 22.4.2 should take measures on regulation of conflict of interests determined by the legislation.

Article 23. Agencies controlling official conduct issues and their authorities

- 23.1 Agencies on official conduct issues include corresponding public administration agencies established in state agencies.
- 23.2 Corresponding public administration agencies:
- 23.2.1 do official investigation with the initiative of the head of the state agency, or with his own initiative to identify or disclose any action caused by civil servant that needs to be brought to administrative responsibility.
- 23.2.2 official investigation is done when information is published in mass media about civil servant's action that caused administrative responsibility, or when physical or juridical persons apply about these cases.

Article 24. Bases for doing official investigation

- 24.0 Official investigation can be done in following cases:

- 24.0.1 when there are complaints or other information by juridical, or physical persons;
- 24.0.2 when information is published in mass media about civil servant letting conflict of interest;
- 24.0.3 Disobservance of the principles of this Code by civil servant.

Article 25. The method of doing official investigation

- 25.1 Official investigation is done according to the rules and durations determined by the legislation of the Azerbaijan Republic.
- 25.2 The agency doing the official investigation issues decree about doing official investigation.
- 25.3 Official investigation is not done and stopped in following cases:
 - 25.3.1 when civil servant sincerely acknowledges his mistake;
 - 25.3.2 when the term for administrative responsibility terminates;
 - 25.3.3 when the civil servant who is being investigated is in business trip or on vacation;
 - 25.3.4 when the civil servant who is being investigated is located in an unknown place;
 - 25.3.5 when the civil servant who is being investigated is seriously ill;
 - 25.3.6 when crime is identified during investigation.
- 25.4 In cases shown in 25.3.6 article of this Code, the head of the state agency should inform criminal prosecution agencies about it.
- 25.5 When civil servant refuses to give written explanatory statement, it doesn't challenge to continue the investigation. Act is prepared about refusal of giving explanatory statements by corresponding public administration agency.
- 25.6 When the official investigation is finished, a reference is prepared to present to the head of the state agency together with official investigation materials to review for making final decisions.
- 25.7 The reference about official investigation should include the following information:
 - 25.7.1 where, where, by whom and about whom the investigation was done;
 - 25.7.2 basis for official investigation;
 - 25.7.3 circumstances of disclosure of law breaking by civil servant;
 - 25.7.4 Conclusions confirmed by important materials about investigation done.

Chapter 4. Responsibility for disobservance of the rules of honest official conduct

Article 26. Responsibility for disobservance of the rules of honest official conduct

- 26.0 Civil servant carries responsibilities determined by the legislation of the Azerbaijan Republic for the following cases happened because of his fault:

- 26.0.1 Breaking the rules of honest official conduct determined by this Code;
- 26.0.2 Declaration about conflict of interests in the cases and period determined by this Code;
- 26.0.3 Hiding about conflict of interests, or giving false information during (disclosure) conflict of interests;
- 26.0.4 Not giving information about the conflict of interest occurred determined with Article 21.2 of this Code.
- 26.0.5 Not taking any measures to control conflict of interests independently, not executing the decision made by immediate or top supervisor on taking measures on conflict of interests, or not fulfilling the decision of corresponding state agency on conduct issues;
- 26.0.6 Still keeping conflict of interests after the end of control duration determined by the legislation;
- 26.0.7 Not taking any measures about subordinated civil servant on control of conflict of interests;
- 26.0.8 Not taking any disciplinary responsibility measures about subordinated civil servant for breaking the rules of honest official conduct.

Article 27. Effectivity of the Code

This Code goes into effect from the day of its publication